CALIFORNIA URBAN WATER AGENCIES

May 23, 2008

Mr. Lester Snow
Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Subject: Delta Near-Term/Emergency Response Actions

Dear Lester:

The California Urban Water Agencies (CUWA) Board has adopted a list of near-term/emergency response actions that should be implemented within 24 months to reduce flood risks, provide fisheries benefits, improve water supply reliability, and improve water quality. The enclosed CUWA Position Paper describes these actions. A long-term solution for the Delta will take many years to implement; however, with the declining fish populations, seismic and flooding risks, and the current unreliable nature of the Delta as a source of drinking water for more than 23 million people, we cannot afford to wait for the long-term solution. We must immediately begin to implement near-term/emergency response actions.

The CUWA Board has identified the following four high priority projects. We are prepared to work with the Department of Water Resources (DWR) to identify implementation and funding mechanisms that will allow these projects to proceed and be completed within 24 months.

Franks Tract-Middle River Corridor/Two Barrier Pilot Project – This pilot project involves testing two temporary barriers at two locations to partially isolate Middle River and Old River near Franks Tract. The temporary barriers would be tested together with preventive flow control actions and possibly modified Delta Cross Channel operations to maintain positive San Joaquin River outflow and reduce smelt and salmon migration toward the export pumps. Modeling studies have shown this project could provide equivalent or better protection for delta smelt compared to the December 2007 Federal Court delta smelt decision, while reducing water supply costs. The project will include monitoring the effect of these barriers on delta smelt, salmon, and other fish species of interest. This project has the potential to provide immediate benefits and will also provide data needed to evaluate dual conveyance as the long-term solution.

Franks Tract/Three Mile Slough – Franks Tract project alternatives will potentially reduce Delta salinity intrusion in the fall, reduce the water supply impacts resulting from the Federal Court decision, and provide protection for delta smelt. DWR is currently evaluating several alternative barriers around Franks Tract and plans to have a certified Environmental Impact Report/Environmental Impact Statement (EIR/EIS) by May 2010. We urge you to accelerate the pace of this study and to conduct a pilot study to evaluate the effectiveness of the Three Mile Slough barrier in the next two years.

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Demonstration Fish Protection Screen at Clifton Court Forebay – Bond funding is available for a demonstration screen at Clifton Court Forebay. The pilot study will include monitoring data on the screen's effectiveness in reducing entrainment and predation losses in Clifton Court Forebay.

Levee and Conveyance Improvements – Bond funding is available for improvements to levees and to build new intakes and improve water supply aqueducts crossing the Delta that will improve water supply reliability; recently constructed interties expand the pool of beneficiaries from these improvements. Funding available in Proposition IE should be allocated to improve south Delta levees vital to the protection of critical infrastructure. To achieve improvements expeditiously, advance funding commitments are needed under agreements with an agency capable of carrying out the work in a timely manner.

The CUWA Position Paper includes a number of other actions we believe should be implemented in the near-term. Some of the projects that CUWA believes should be implemented quickly, such as the alternative intake for Contra Costa Water District and stockpiling of materials to deal with a Delta emergency are already proceeding at a fast pace. Many important ecosystem restoration projects that would provide critical habitat for delta smelt and salmon species are being evaluated by DWR. The schedules for these projects need to be accelerated.

CUWA's recommendations are consistent with the recommendations proposed by the Bay-Delta Conservation Plan and Delta Vision Blue Ribbon Task Force. We urge you to consider our recommendations for near-term actions. We would like to meet with you to discuss how CUWA can assist DWR in moving quickly to implement the projects identified in our Position Paper.

Sincerely,

Paul Piraino
Chair, CUWA Board of Representatives

CALIFORNIA URBAN WATER AGENCIES

POSITION PAPER REGARDING DELTA NEAR-TERM/EMERGENCY RESPONSE ACTIONS

POSITION

CUWA will assume a leadership role in advancing near-term/emergency response actions that can provide ecosystem, water quality and water supply reliability benefits in the next two years. There are projects identified for immediate implementation that would reconcile competing interests, improve and preserve all beneficial uses of the Sacramento/San Joaquin Delta (Delta) and address critical issues in a timely manner. These projects also lay a foundation for any of the long-term visions for the Delta.

BACKGROUND

The crashing populations of delta smelt and other species; the Federal Court delta smelt decision reducing statewide water supplies; and the lack of preparedness for a highly probable seismic, flood, or other event that will disrupt water supplies for an extended period have amplified the need for action to emergency levels.

IDENTIFICATION OF NEAR-TERM/EMERGENCY ACTIONS

Actions have been identified that require immediate implementation to protect the Delta. These projects can be built within 24 months and will immediately reduce flood risks; provide benefits for fisheries, water supplies, and water quality; and offer a solution to future water reductions. To qualify as near-term/emergency response projects, each must produce results within the next two years and meet the following criteria:

- Have a certified Environmental Impact Report (EIR) or the ability to obtain complete environmental documentation within six to eight months (e.g., Operations, Criteria, and Plan [OCAP] process, Bay Delta Conservation Plan [BDCP], agency partnerships, etc.);

- Have permits in place or the ability to obtain all necessary permits within six to eight months;

- Have funding through existing bonds, authorizations or local matches;

- Have construction completed and begin operating within 24 months.

The following is a list of emergency response actions that address the critical Delta issues. All of these projects have funding in place, can begin construction over the next year and can produce results in the next two years. These projects will bring over $500 million of construction combined, creating over 10,000 new jobs. Implementing these near-term/emergency response

projects does not foreclose or promote any future scenario for the Delta; rather they would make the decisions easier by providing science-based evidence of what works and what doesn't in improving Delta sustainability.

I. Flood and Levee Failure/Emergency Preparedness

- Freshwater flows in the Delta must be protected and quickly restored after a major emergency such as a seismic event or flood. Protection of the transportation corridors, aqueducts, gas pipelines, and railroads, and restoration of freshwater flows is essential. Stockpiling materials for repairs and channel barriers at key locations in the Delta will allow protection of critical infrastructure corridors (including Highway 4, aqueducts, gas pipelines, and railroads) and timely restoration of a freshwater pathway to export facilities. This would reduce the effects of salt water intrusion and water curtailments to the 23 million Californians dependent on the Delta for water. Costs are approximately $70 to $80 million and funding is available from voter approved Proposition 84.

- Allocate $10 million from Proposition 84 for improvements to water supply aqueducts that cross at least 10 miles of the Delta. This funding is for design and construction of interties among water supply aqueducts, such that lifeline water supplies may be maintained in the event of levee failure while repairs are made.

- Reduce the potential for levee failure by improving the level of flood protection afforded by various levees in the south Delta vital to the protection of water supply reliability, key transportation routes, gas and electric utility lines, agricultural lands, and south Delta water channels for fish, wildlife and recreation. The cost of these improvements is $120 million consisting of $100 million from Proposition 1E and $20 million in local matching funds. To achieve improvements expeditiously authorize advance funding commitments for this work under agreements with an agency capable of carrying out the work in a timely manner. Levees to be improved to provide added protection to water supply infrastructure include:

    - Lower Roberts Island
    - Lower Jones Tract
    - Upper Jones Tract
    - Woodward Island
    - Palm-Orwood Tract

II. Franks Tract Delta Quality and Smelt Recovery Pilot Projects: Middle River Corridor/Two Barrier Pilot Project and Three-Mile Slough Barrier Alternative

- The objective of these Delta pilot projects near Franks Tract is to provide equivalent or better protection for Delta smelt as compared to the December 2007 Federal Court decision, while reducing water supply costs to the State Water Project (SWP) and Central Valley Project (CVP), and protecting Delta water quality in the near-term.

- The Middle River Corridor/Two Barrier Pilot Project at Franks Tract includes testing the installation of two temporary barriers in the central Delta together with preventive flow control actions and modified Delta Cross Channel operations to maintain positive San Joaquin River outflow and impede smelt migration toward export pumps. Implementation of the pilot project will include monitoring the effect of the actions on delta smelt, all races of salmon and steelhead and other fish species of interest.

- Preliminary modeling studies have shown that the two barrier option, together with flow control actions, to maintain positive net flow on the San Joaquin River could potentially provide protection for delta smelt equivalent to the Federal Court delta smelt decision, while reducing the water supply impacts and Delta water quality degradation resulting from implementation of the court decision.

- A pilot project that includes two temporary barriers is estimated to cost $40 million.

- The Department of Water Resources (DWR) Franks Tract project alternatives (Three Mile Slough barrier and False River barrier) would potentially reduce Delta salinity intrusion in the fall, reduce the water supply impacts resulting from the Federal Court delta smelt decision, and provide protection for delta smelt. DWR should accelerate the Franks Tract/Three Mile Slough barrier project and include a near-term pilot project to test the Three Mile Slough barrier.

III. Alternative Intake for Contra Costa Water District (CCWD)

This CCWD water quality project provides Delta fishery benefits by reducing Delta diversions in the fish sensitive period from January through June, increasing screened diversion capacity and by allowing operational flexibility in pumping locations when sensitive fish species are present in the Delta.

- The alternative intake would protect water quality during emergencies by providing a separate intake to provide fresh, safe drinking water when other Delta intakes are impacted by crisis situations and unable to operate.

- The additional intake improves water quality for CCWD's 550,000 customers and improves water supply reliability for up to 6 million Bay Area residents through existing, permitted interties with other Bay Area water agencies. It would allow wheeling of high quality water through existing interties to Bay Area agencies to relieve drought or regulatory shortages.

- CCWD has begun construction. The total cost for this project is estimated at $110 million, $60 million pledged by CCWD and $50 million earmarked in voter approved Proposition 84 funding.

IV. Demonstration Fish Protection Screen at Clifton Court Forebay

- This project would reduce entrainment and predation losses of salmon, steelhead, and delta smelt in Clifton Court Forebay and at the Banks Pumping Plant with capacity of not less than 500 cubic feet per second.

- It would provide for monitoring to determine the screen's effectiveness in reducing entrainment, salvage and predation of aquatic species.

- It could also be used to evaluate the effectiveness of project implementation under partnership agreements.

V. Ecosystem Habitat Improvements

- ***Decker Island*** - Decker Island, in the western Delta, is composed of old dredged spoils and, unlike other Delta islands, is several feet above sea level. Material from Decker Island should be excavated and used to reinforce levees on nearby Delta islands such as Sherman and Jersey. Excavation of Decker Island could result in approximately 400 acres of restored tidal marsh along the main migration corridor for juvenile salmon and Sacramento splittail – two native species thought to benefit most from tidal marsh restoration. Thus, this project could contribute material to address Delta stability issues and create new habitat. Over 400,000 cubic yards of material was removed from thirty acres on the island and restored to tidal marsh and riparian habitat. The 473 acre parcel on the island was sold last July for approximately $9 million. The new owners have not disclosed their intentions for the island.

- ***Dutch Slough*** - The Dutch Slough site offers an opportunity for large-scale tidal marsh restoration, habitat enhancement and open space preservation in eastern Contra Costa County. The project is being implemented collaboratively by DWR, the California Bay Delta Authority, the California State Coastal Conservancy, and the City of Oakley.

  The 1,200 acre Dutch Slough site was acquired by DWR in 2003. DWR and its partners have completed a restoration plan that is designed both to restore habitat and generate information about how best to restore Delta habitat in the future. Information gained could be invaluable for long-term Delta management. The project is ready for implementation. DWR has completed an administrative draft EIR and is expected to release the draft EIR in the near future, as discussed in the Public Policy Institute of California (PPIC) report (p. 82).

- ***Meins Landing in Suisun Marsh*** - Meins Landing is a DWR restoration project being funded by the Delta Levee Program and the Suisun Marsh Preservation Agreement State/Federal interests. In 2005, 680 acres of land for tidal restoration was purchased to meet Suisun Marsh Plan goals, provide Assembly Bill 360 net habitat enhancement and offset impacts of levee projects on Van Sickle Island.

Preliminary modeling by DWR indicates that the Meins landing project may reduce salinity in the interior of the Delta.

Suisun Marsh has largely been managed as non-tidal seasonal wetlands for waterfowl and other birds. Levees and gates prevent tidal inundation of large areas of managed wetlands. Restoration of brackish tidal marsh would improve habitat for native fish in an area where they are less vulnerable to the Delta pumps. Brackish marsh restoration would reduce habitat for waterfowl, but these losses could be more then offset by creating and promoting managed freshwater marshes and wildlife friendly agriculture on central and western Delta Islands and in the Yolo Bypass. Unlike much of the central and western Delta, elevations in Suisun Marsh generally allow immediate restoration of tidal marsh habitat. Restoration could start immediately at the Meins Landing site purchased by DWR for that purpose. Agencies should proceed with restoration planning for the Suisun Marsh, as discussed in the PPIC report (pp. 79, 182).

- ***Restore Floodplain Habitat and Salmon Migration Through the Yolo Bypass*** - Authorize construction of fish passage and flow control facilities at the Fremont Weir. Inundation of the Yolo Bypass provides excellent rearing habitat for juvenile salmon and splittail and critical spawning habitat for the splittail. Presently the bypass is only inundated once every three years on average and sometimes goes for four to five years without inundation. Increasing the frequency of inundation on even a small portion of the bypass could substantially improve conditions for splittail and salmon by increasing food availability. Salmon growth and survival have been greater when they pass through the bypass rather than traveling down the Sacramento River. Providing these flows would require notching or gating the Fremont Weir to allow a controlled inflow of water into the bypass in years when the stage of the Sacramento River is below the crest of the weir. The goal would be to create inundated floodplain habitat on a publicly owned portion of the bypass - not privately owned land. Modification of the Fremont Weir could also allow improved fish migration through the bypass, permitting juvenile salmon to bypass the Delta Cross Channel and other hazards associated with migrating through the Delta. Permanent modifications to Fremont Weir would cost $10 to $30 million and a temporary pilot project would cost about $2 million. This restoration effort will also analyze the relocation of diversions in the southern Yolo Bypass/Cache Slough region to reduce aquatic ecosystem impacts. This project has been extensively studied by DWR and is called for by the PPIC report (p. 79) and the CALFED Ecosystem Restoration Program Plan.